

**LEWIS
AND
ROCA**
LLP
LAWYERS

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,
LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
OBJECTION OF USACM TRUST TO
PROOF OF CLAIM OF TERI MELVIN
AS FILED PARTIALLY IN WRONG
DEBTOR'S CASE; OBJECTION OF
DTDF TO PROPOSED ALLOWANCE
OF CLAIM**

Hearing Date: April 30, 2009
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the
USACM Trust contends that Claim No. 10725-02421 is partially based upon an**

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 investment in USA Capital Diversified Trust Deed Fund (“DTDF”) and was
2 therefore filed in the wrong debtor case.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
7 CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

8 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and
9 through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Teri
10 Melvin As Filed Partially in Wrong Debtor’s Case; Objection of DTDF to Proposed
11 Allowance of Claim (with Certificate of Service) (the “Objection”). The USACM Trust
12 respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the
13 United States Code (the “Bankruptcy Code”) disallowing \$192,189.29 of your claim
14 against USACM, disallowing any proposed allowance of your claim in the DTDF case,
15 and appropriately allowing you to retain an equity interest in DTDF in the amount of
16 \$192,189.29 as reflected in the books and records of DTDF as of April 13, 2006. The
17 remaining balance of the claim is subject to further objection.

18 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held
19 before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal
20 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
21 **April 30, 2009, at the hour of 9:30 a.m.**

22 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 30,
23 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND
24 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE
25 HEARD ON THAT DATE.
26

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1 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
2 by **April 23, 2009,** pursuant to Local Rule 3007(b), which states:

3 If an objection to a claim is opposed, a written response must
4 be filed and served on the objecting party at least 5 business
5 days before the scheduled hearing. A response is deemed
6 sufficient if it states that written documentation in support of
the proof of claim has already been provided to the objecting
party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

- 12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: March 25, 2009.

16
17 **LEWIS AND ROCA LLP**

18 By: /s/ John Hinderaker (AZ# 18024)
19 Rob Charles, NV 6593
20 John Hinderaker, AZ 18024
21 3993 Howard Hughes Parkway, Suite 600
22 Las Vegas, Nevada 89169-5996
23 Facsimile (702) 949-8321
24 Telephone (702) 949-8320
25 Counsel for USACM Liquidating Trust
26

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Copy of the foregoing mailed by first class
Postage prepaid U.S. mail
On March 25, 2009 to:

Teri Melvin
2704 Chokecherry Way
Henderson, NV 89014

/s/ Carrie Lawrence
Carrie Lawrence